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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,829	10/02/2003	Craig Ogg	61135/P024US/10303362	9780
29053	7590	10/18/2007		
FULBRIGHT & JAWORSKI L.L.P			EXAMINER	
2200 ROSS AVENUE			VETTER, DANIEL	
SUITE 2800			ART UNIT	PAPER NUMBER
DALLAS, TX 75201-2784			3628	
			MAIL DATE	DELIVERY MODE
			10/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/677,829	<b>Applicant(s)</b> OGG, CRAIG	
	<b>Examiner</b> Daniel P. Vetter	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 and 28-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/20/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Status of the Claims*

1. Claims 1-31 are currently pending in this application.

### *Election/Restrictions*

2. Claims 1-13 and 28-31 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election of claims 14-26 was made without traverse in the reply filed on September 27, 2007.

### *Claim Objections*

3. There are two claims labeled with the number 25. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 25-30 have been renumbered 26-31.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 15, 21, 23, and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claim 15 recites the limitation "the local postage account" in line 2. There is insufficient antecedent basis for this limitation in the claim.
7. Claims 21 and 23 recite the limitation " the dedicated local postage account " in line 1. There is insufficient antecedent basis for this limitation in the claims.
8. Claim 25 recites the limitation "the local postage account" in line 1. There is insufficient antecedent basis for this limitation in the claim.

*Claim Rejections - 35 USC § 102*

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 14-16, 18, 20-21, and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Pierce, et al., U.S. Pat. No. 6,151,591 (Reference A of the attached PTO-892).
11. As per claim 14, Pierce teaches a method of accessing a remote postage account from a local postage evidencing device, comprising: connecting to a remote postage evidencing system via a local postage evidencing device (col. 5, lines 40-42); identifying a remote postage account on the remote postage evidencing system that is to be used to print postage on the local postage evidencing device (col. 5, lines 62-63); selecting a desired postage amount to be printed on the local postage evidencing device (col. 7, line 48); reducing a balance on the remote postage account (col. 5, lines

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66-67); and printing the desired postage amount on the local postage evidencing device (col. 8, lines 2-4).

12. As per claim 15, Pierce teaches the method of claim 14 as described above. Pierce further teaches printing the desired postage amount on the local postage evidencing device without reducing a balance on the local postage account (col. 6, lines 4-6).

13. As per claim 16, Pierce teaches the method of claim 14 as described above. Pierce further teaches authenticating a user with the remote postage evidencing system (col. 8, line 50).

14. As per claim 18, Pierce teaches the method of claim 14 as described above. Pierce further teaches connecting to the remote postage evidencing system using a wireline connection (col. 7, line 14).

15. As per claim 20, Pierce teaches the method of claim 14 as described above. Pierce further teaches the local postage evidencing device is a postage meter (col. 11, line 65).

16. As per claim 21, Pierce teaches the method of claim 20 as described above. Pierce further teaches the dedicated local postage account is a register that reflects the amount of postage that is currently authorized on the device (col. 10, lines 60-62).

17. As per claim 24, Pierce teaches the method of claim 14 as described above. Pierce further teaches the local postage evidencing device is a personal computer coupled to a printer (col. 5, lines 24-25).

18. As per claim 25, Pierce teaches the method of claim 24 as described above. Pierce further teaches the local postage account is a stored value of postage that has been downloaded from an Internet-based postage service (col. 2, lines 47-49).

19. As per claim 26, Pierce teaches the method of claim 14 as described above. Pierce further teaches the remote postage evidencing system is an Internet-based postage service (col. 3, lines 51-55).

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*Claim Rejections - 35 USC § 103*

20. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pierce, et al. in view of Cordery, et al., U.S. Pat. No. 5,454,038 (Reference B of the attached PTO-892).

21. As per claim 17, Pierce teaches the method of claim 14 as described above. Pierce does not teach connecting to the remote postage evidencing system using a wireless connection; which is taught by Cordery (col. 14, line 65). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Cordery into the method taught by Pierce because a wireless connection is a known equivalent to wired networks for communication (as taught by Cordery; col. 14, lines 64-67).

22. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pierce, et al. in view of Lee, et al., U.S. Pat. No. 5,742,683 (Reference C of the attached PTO-892).

23. As per claim 19, Pierce teaches the method of claim 14 as described above. Pierce does not teach identifying a user to the local postage evidencing device using a biometric input; which is taught by Lee (col. 8, line 22). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Lee into the method taught by Pierce because biometric data is a known manner of securely authenticating users, similar to a password (as taught by Lee; col. 8, lines 17-22).

24. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pierce, et al. in view of Eddy, et al., U.S. Pat. No. 5,812,400 (Reference D of the attached PTO-892).

25. As per claim 22, Pierce teaches the method of claim 14 as described above. Pierce does not teach the local postage evidencing device is a postage dispensing

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kiosk; which is taught by Eddy (col. 3, line 57). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Eddy into the method taught by Pierce in order to provide the increased functionality and utility to kiosk meter users (as taught by Eddy; col. 3, lines 57-59).

26. As per claim 23, Pierce teaches the method of claim 14 as described above. Pierce further teaches the dedicated local postage account is an amount of postage purchased by a user at the device (col. 5, line 41). Eddy further teaches the device is a kiosk for the same reasons as in claim 22.

27. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pierce, et al. in view of Bator, et al., U.S. Pat. Pub. No. 2002/0046193 (Reference E of the attached PTO-892).

28. As per claim 27, Pierce teaches the method of claim 14 as described above. Pierce does not explicitly teach the remote postage evidencing system comprises a postage account established by the United States Postal Service; which is taught by Bator (§ 0014). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Bator into the method taught by Pierce because the USPS historically is the entity that issues meter licenses so that proper accounting for postage can occur when mail items enter the USPS system at the point of origin (as taught by Bator; §§ 0012-14).

### *Conclusion*

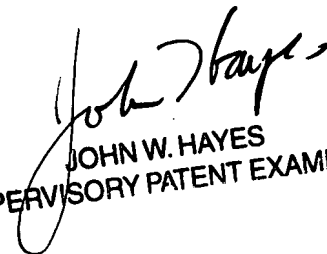
29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kara, U.S. Pat. No. 5,822,739 (Reference F of the attached PTO-892) teaches a method for remote postage metering of postage indicia, including demanding a desired postage amount and subsequently printing the postage indicia onto a piece of mail; wherein a user inputs certain necessary information, as well as additional desired information, into a local processor-based system.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P. Vetter whose telephone number is (571) 270-1366. The examiner can normally be reached on Monday through Thursday from 8am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER